



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**

Public Notice Number: 2006-00611-L5

Issue Date: 9 November 2006

Expiration Date: 11 December 2006

**To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** New York State Department of Environmental Conservation  
Region 1  
Bureau of Marine Habitat Protection  
SUNY Building 40  
Stony Brook, NY 11790-2356

**ACTIVITY:** Boat launching ramp, dredge with upland, fill, seasonal floats, replace bulkhead

**WATERWAY:** Oyster Bay Harbor

**LOCATION:** Town of Oyster Bay, Nassau County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,** otherwise, it will be presumed that there are no objections to the activity.

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2006-00611-L5**

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to not be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

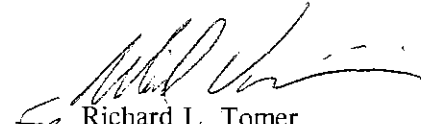
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Town of Oyster Bay

**CENAN-OP-RE**  
**PUBLIC NOTICE NO. 2006-00611-L5**

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8513 and ask for Denise Butts.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

  
For Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

### WORK DESCRIPTION

The applicant, New York State Department of Environmental Conservation, has requested Department of the Army authorization for the installation of a boat launching ramp, dredge with upland disposal, seasonal floats and replace an existing bulkhead. The site is in Oyster Bay Harbor located in the Town of Oyster Bay, Nassau County, New York.

The work would involve the installation of a 21-foot wide by 133-foot long boat launching ramp by installing pre-cast concrete slabs for the boat ramp, removal of and replacement of approximately 22 linear feet of existing concrete bulkhead to four feet below grade with 20-foot long returns at each end of the bulkhead on each side of the opening. Dredge with a clam shell bucket approximately 285 cubic yards of material from under the area of the proposed 21-foot wide by 133-foot long boat ramp of which approximately 90 cubic yards of peat material will be removed from the site and placed on uplands. A total of approximately 225 cubic yards of suitable fill will be discharged within the dredged area to provide a base for the boat ramp making for a net removal of material of approximately 59 cubic yards. As part of the sediment and erosion control a temporary cofferdam would be placed along the perimeter of the project area. Dredge material would be placed on an upland site where it would be suitably retained so as not to reenter the waterway.

The project would also involve the installation of a seasonal dock consisting of (4) 6-foot wide by 20-foot long floats, (1) 6-foot wide by 10-foot long float, a 6-foot wide by 13-foot long ramp and (8) 12-inch diameter anchor piles to secure the floats.

The stated purpose of this project is to provide safe public access to Oyster Bay Harbor.

**EVALUATION OF THE PROPOSED ACTION IN ACCORDANCE WITH THE GUIDELINES  
PROMULGATED UNDER SECTION 404(B)(1) OF THE CLEAN WATER ACT (40 CFR 230)**

APPLICANT'S NAME: New York State Department of Environmental Conservation

APPLICATION NUMBER: 2006-00611-L5

404 ACTIVITY:

A. Compliance Review (40 CFR 230.10 (a) - (d) )

No.	Criteria	Preliminary*		Final**	
		Yes	No	Yes	No
1.	The discharge represents the least environmentally damaging practicable alternative and if located in a special aquatic site (40 CFR 230, Subpart E) the activity associated with the discharge must have direct access or proximity to, or be located within the aquatic ecosystem to fulfill its basic purpose.	XX			
2.	The activity does not appear to:				
	(a) violate applicable State water quality standards as promulgated under Section 307 of the Clean Water Act;	XX		—	—
	(b) jeopardize the existence of a Federally listed threatened or endangered species or its habitat;	XX		—	—
	(c) violate the requirements of any Federally designated marine sanctuary.				
3.	The activity will not cause or contribute to significant degradation of waters of the US including adverse effects on human health, life stages of organisms dependent on the aquatic ecosystem, ecosystem diversity, productivity and stability, and recreational, aesthetic, and economic values.	XX			
4.	Appropriate and practicable steps have been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem (40 CFR 230, Subpart H).	XX			

\* Negative responses to any of the compliance criteria at the preliminary stage signifies a more thorough level of analysis and attachment of the appropriate supporting documentation. Send letter to applicant which documents reasons for the preliminary determination of non-compliance.

\*\* A negative response to one of the compliance criteria at the final stage indicates that the proposed project does not comply with the guidelines. If the economics of navigation and anchorage are to be evaluated (Section 404(b)(2)) as part of the decision making process, attach the appropriate supporting data and evaluation.

Preliminary Evaluation by: \_\_\_\_\_

DENISE BUTTS  
Engineer Technician  
Eastern Permits Section

Date: \_\_\_\_\_

Preliminary Evaluation by: \_\_\_\_\_

MICHAEL G. VISSICHELLI  
Chief, Eastern Permits Section

Date: \_\_\_\_\_

## ENVIRONMENTAL ASSESSMENT

APPLICATION NO.: 2006-00611-L5

APPLICANT: New York State Department of  
Environmental Conservation

### A. PRELIMINARY REVIEW

#### 1. Cultural Review

[XX] There are no known properties within the permit area that are either listed in or eligible for listing in the National Register of Historic Places.

#### 2. Endangered Species

[XX] Based on the review of available data the proposed action will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered nor will it affect the critical habitat of such a species.

#### 3. National Wild and Scenic Rivers \*

[XX] The proposed activity will not involve a national wild or scenic river system listed in the current nationwide inventory.

#### 4. Marine Sanctuaries and Wildlife Refuges

[XX] The proposed action will not take place in a marine sanctuary as established by the Secretary of Commerce under the Authority of the Marine Research and Sanctuaries Act of 1972, as amended, or in a National Wildlife Refuge.

#### 5. Special Aquatic Sites

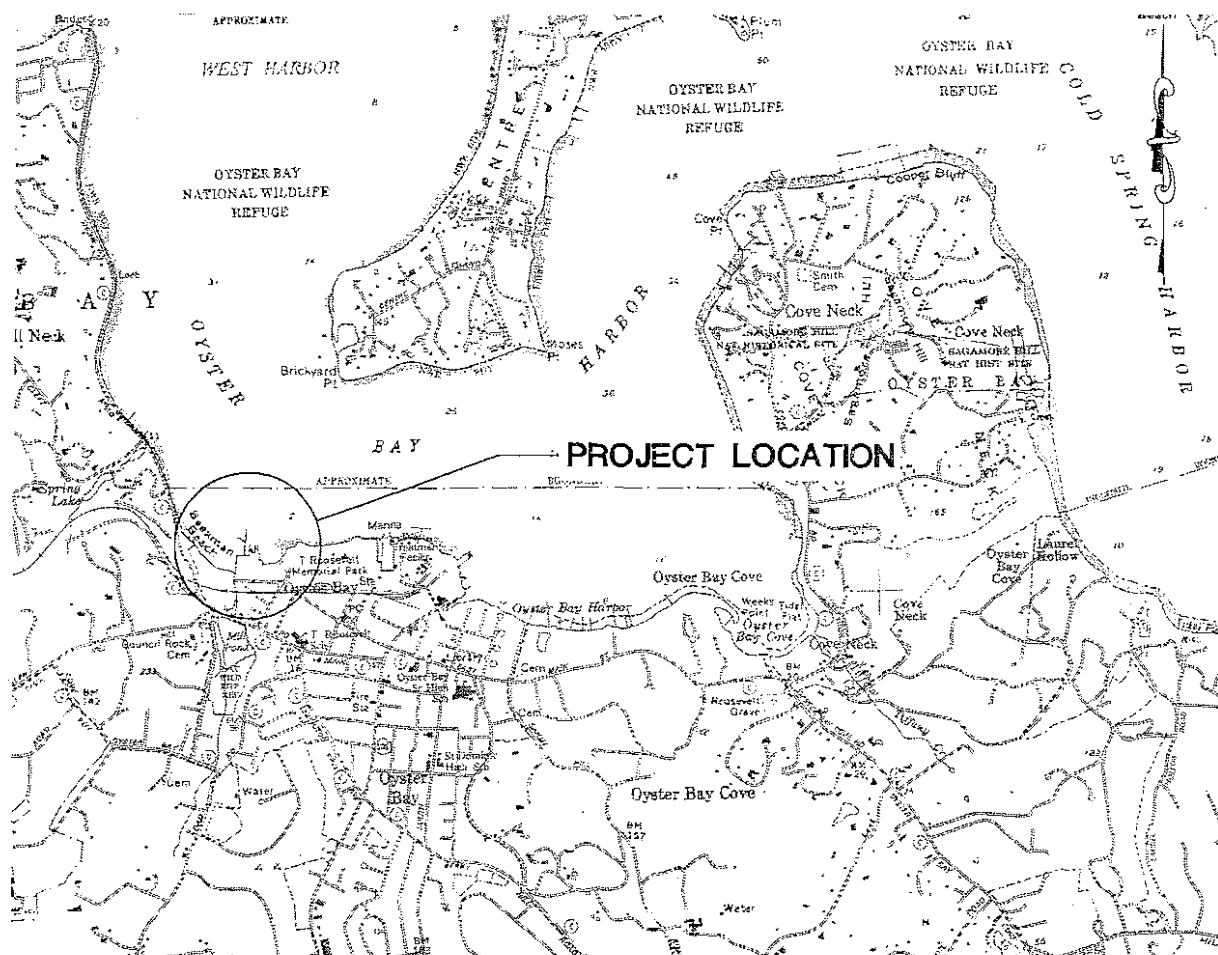
[XX] The activity subject to regulation will occur in a special aquatic site (check appropriate type)

#### 6. Other Pertinent Information

[XX] Not applicable

Preliminary Evaluation by: \_\_\_\_\_ Date: \_\_\_\_\_  
DEINISE BUTTS  
Engineer Technician  
Eastern Permits Section

Preliminary Review by: \_\_\_\_\_ Date: \_\_\_\_\_  
MICHAEL G. VISSICHELLI  
Chief, Eastern Permits Section



SCALE: 1" = 10,000'

PLOT:

PERMIT NO. 1-2824-017771/000001



**CAMERON ENGINEERING  
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VICINITY MAP

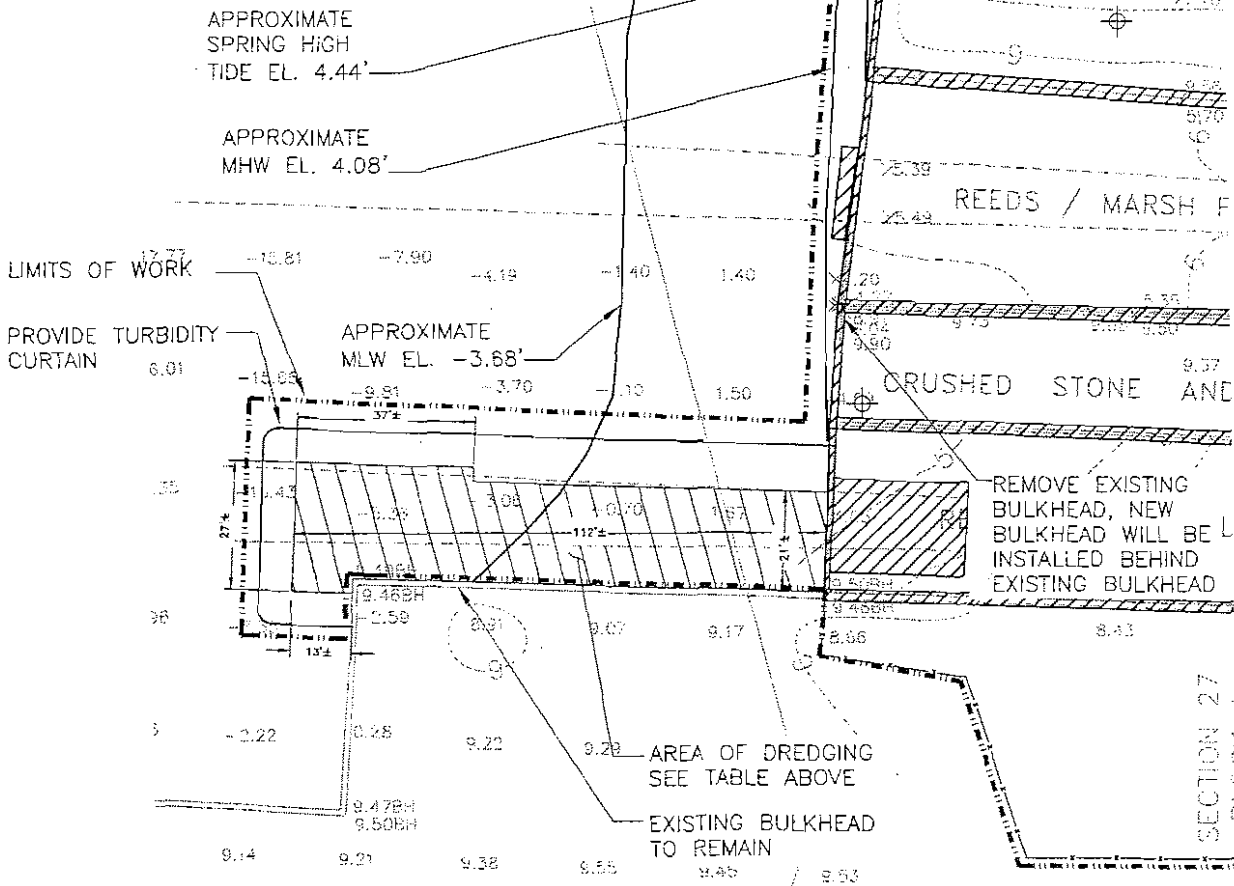
JAKOBSON SHIPYARD BOAT LAUNCH  
TOWN OF OYSTERBAY, NASSAU COUNTY

FIGURE NO.

1

APPROXIMATE DREDGING VOLUMES WITHIN U.S. WATERS			
DREDGED MATERIAL	285 CY		
FILL IN U.S. WATERS	225 CY		
	EARTH	STONE BASE	STONE & PERIMETER
	155 CY	59 CY	12 CY
NET REMOVAL	59 CY		

REMOVE EXISTING BULKHEAD. NEW BULKHEAD WILL BE INSTALLED BEHIND EXISTING BULKHEAD



### DEMOLITION NOTES AND STAGING NOTES

1. PROVIDE FOR LEGAL REMOVAL AND DISPOSAL OF ALL RUBBISH AND DEBRIS FROM THE SITE. DEBRIS SHALL NOT BE BURIED ON THE SUBJECT SITE. CONTRACTOR SHALL SUBMIT ALL MANIFESTS ASSOCIATED WITH DELIVERIES AND DISPOSAL ACTIVITIES. ALL UNSUITABLE MATERIAL AND DEBRIS SHALL BE DISPOSED OF LEGALLY IN ACCORDANCE WITH LOCAL TOWN, COUNTY, STATE AND FEDERAL LAWS AND APPLICABLE CODES. NO MATERIAL IS PERMITTED TO BE STORED OUTSIDE OF THE SITE PERIMETER.
2. REMOVAL OF EXISTING STRUCTURES, INCLUDING BULKHEAD, PAVEMENT AND OTHER STRUCTURES, IS TO BE DONE IN CONFORMANCE WITH THE REGULATIONS OF THE TOWN OF OYSTER BAY AND APPLICABLE COUNTY, STATE AND FEDERAL AGENCIES. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS FOR DEMOLITION AND LEGAL DISPOSAL OF EXISTING STRUCTURES AND MATERIALS.
3. ADJACENT PROPERTY OWNERS: TOWN OF OYSTER BAY, 54 AUDREY AVENUE, OYSTER BAY, NEW YORK 11771, NASSAU COUNTY.

PLOT:



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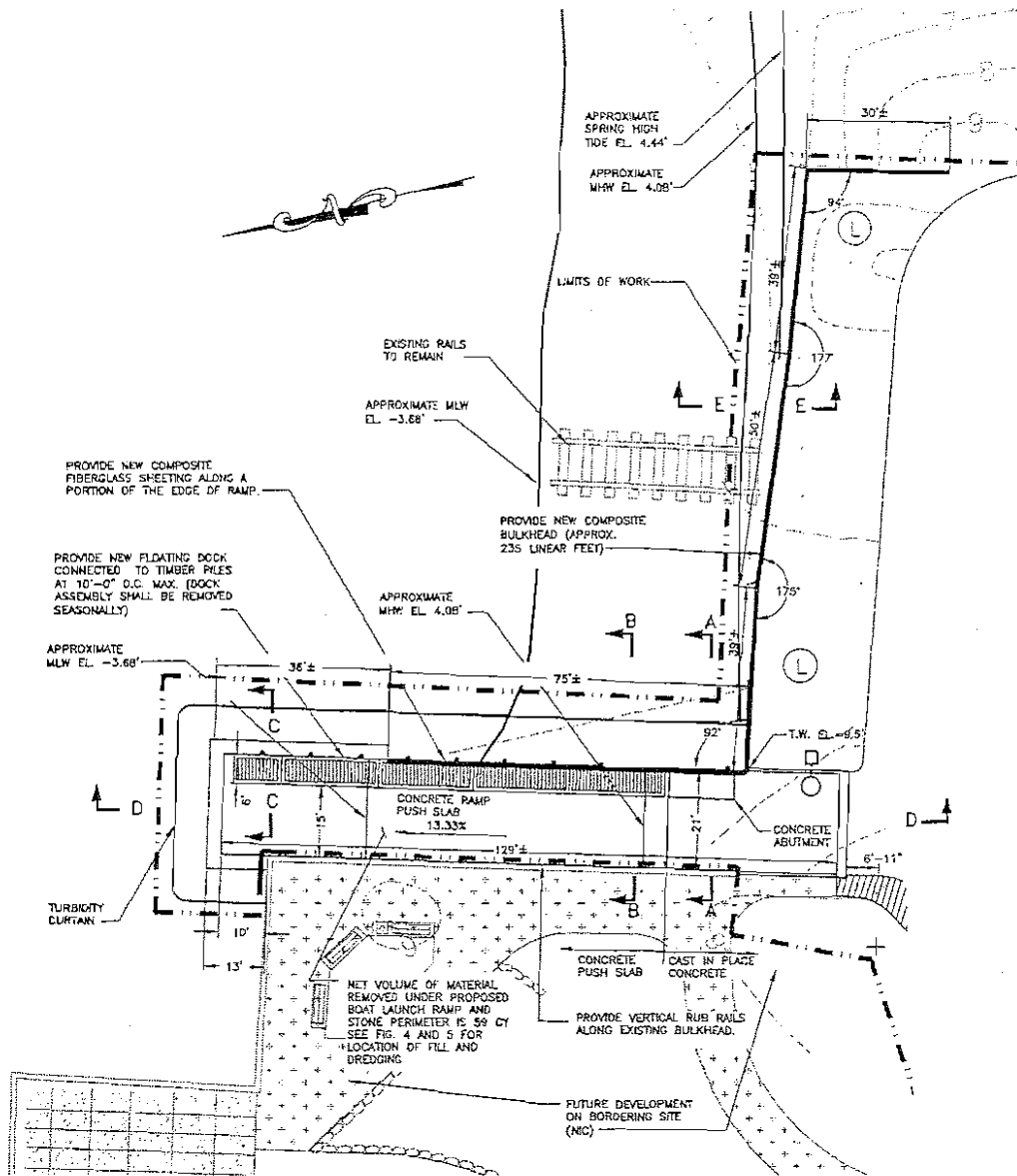
330 Fifth Avenue, Suite 1300  
New York, NY 10001  
TEL: (212) 324-4000 FAX: (212) 481-3274

EXISTING CONDITIONS & REMOVAL PLAN  
JAKOBSON SHIPYARD BOAT LAUNCH  
TOWN OF OYSTER BAY, NASSAU COUNTY

FIGURE NO.

2





## NOTES:

- ELEVATION SHOWN REFER TO NASSAU COUNTY DATUM.
- AS PART OF THE SEDIMENT AND EROSION CONTROL PLAN, THE CONTRACTOR WILL PROVIDE A TEMPORARY SEDIMENTATION POND ON SITE TO STORE SEDIMENT AND WATER RESULTING FROM DEWATERING ACTIVITIES.
- THE METHOD OF DREDGING SHALL BE MECHANICAL DREDGING WITH A CLAM SHELL BUCKET. MATERIAL WILL BE STORED AND SEPARATED UPLAND ONSITE FOR REUSE OR DISPOSAL, AS DETERMINED BY SOIL SAMPLING RESULTS, WHICH ARE IN PROGRESS. SEDIMENT SHALL BE CONTAINED WITHIN A COFFERDAM PLACED ALONG THE PERIMETER OF THE WORKING LIMITS. THE COFFERDAM SHALL BE EMPTIED OF WATER WITH PUMPS IN ORDER TO PERFORM DREDGING AND FILL ACTIVITIES.
- AREA UNDER PROPOSED RAMP AND STONE PERIMETER SHALL BE DREDGED TO REMOVE EXPECTED ORGANIC PEAT LAYER. SPOILS SHALL BE STORED UPLAND. THE MATERIAL WILL BE SORTED AND SUITABLE MATERIAL WILL BE REUSED AS FILL WITHIN THE DREDGED AREA. IT IS EXPECTED THAT 285 CY OF MATERIAL WILL BE DREDGED, 90 CY OF PEAT MATERIAL WILL BE REMOVED FROM THE SITE AND A TOTAL OF 225 CY OF SUITABLE FILL WILL BE PLACED WITHIN THE DREDGED AREA MAKING FOR A NET REMOVAL OF MATERIAL APPROXIMATELY 59 CY. SEE SECTIONS WHICH INDICATE LOCATIONS OF FILL AND DREDGING MORE ACCURATELY.

1"=40'-0"

PERMIT NO. 1-2824-017771/000001

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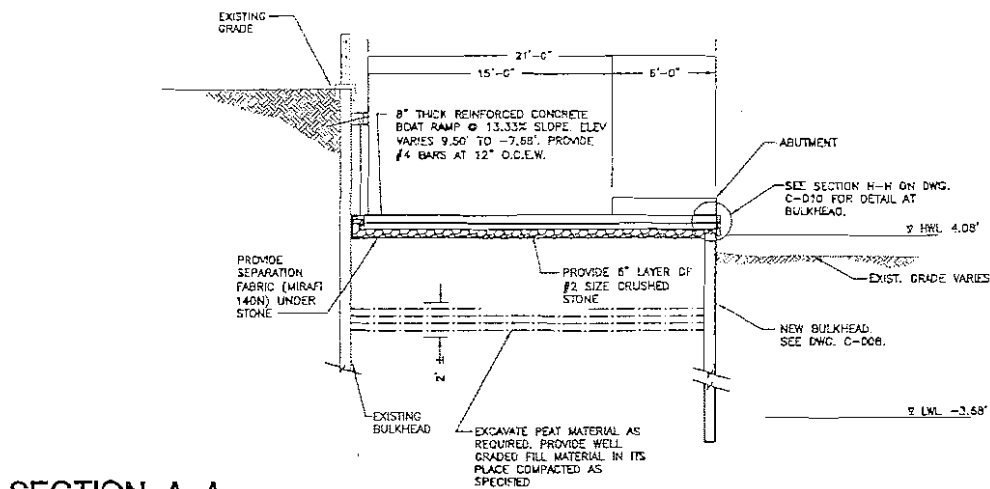
ALIGNMENT PLAN

JAKOBSON SHIPYARD BOAT LAUNCH

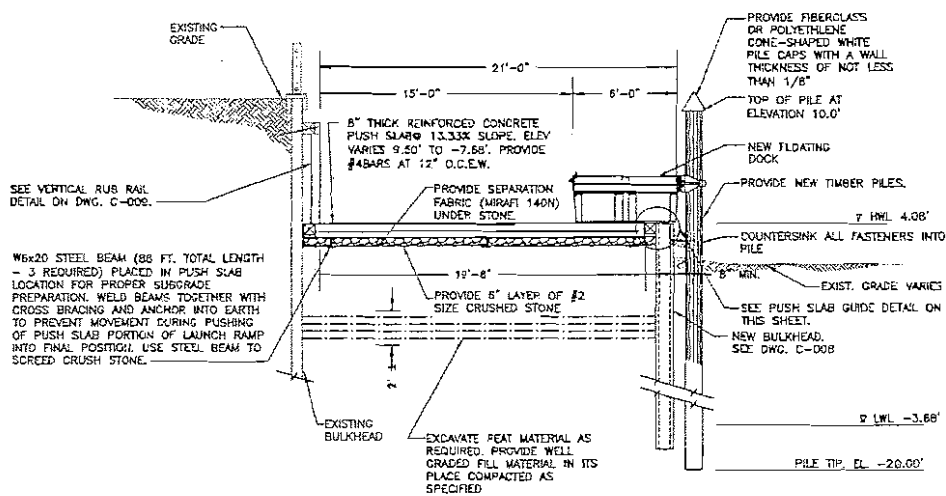
TOWN OF OYSTER BAY, NASSAU COUNTY

FIGURE NO.

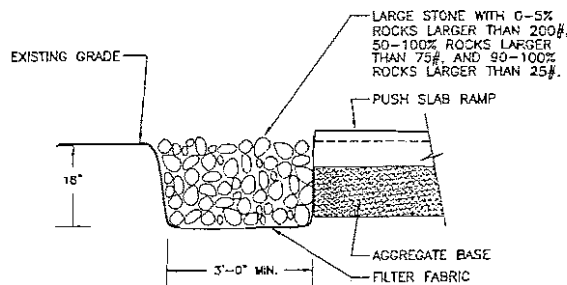
3



## SECTION A-A



## SECTION B-B



## SECTION C-C



PERMIT NO. 1-2824-017771/000001

PLOT:



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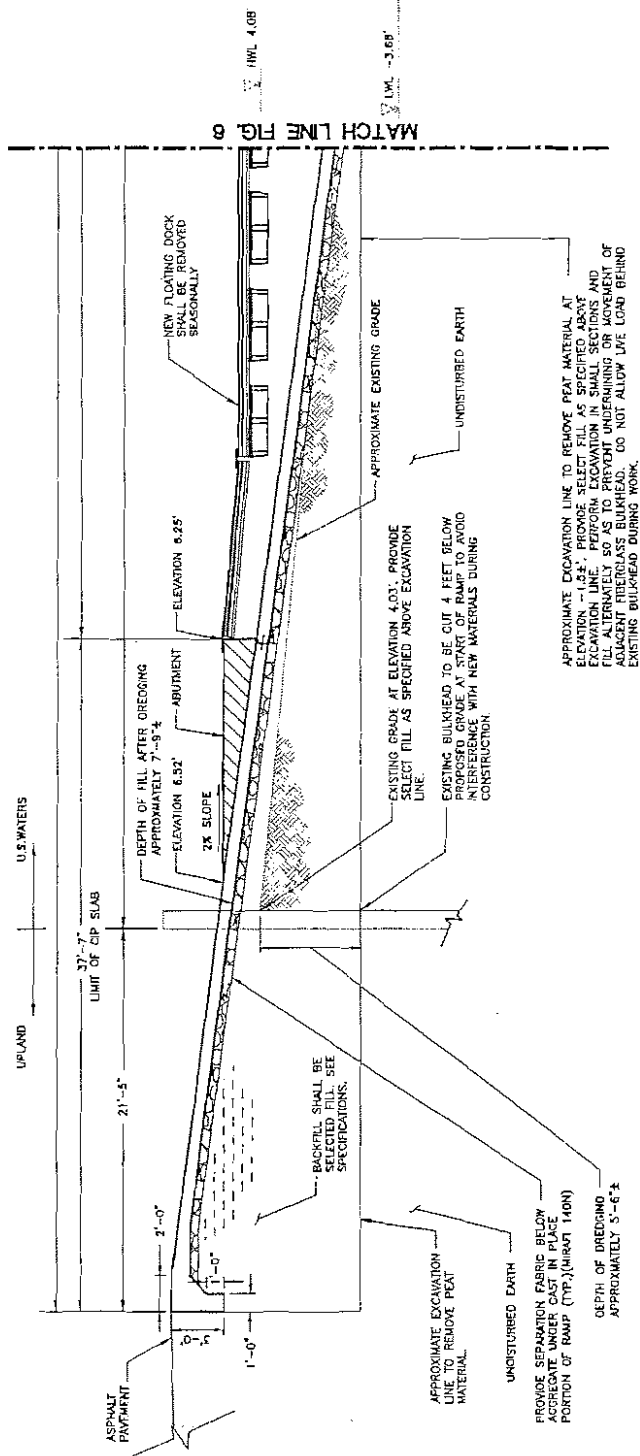
DETAIL PLAN

JAKOBSON SHIPYARD BOAT LAUNCH

TOWN OF OYSTER BAY, NASSAU COUNTY

FIGURE NO.

4



3/32" = 1'-0"

PERMIT NO 1-2824-017771/000001

FIGURE NO.

5

## SECTION D-D

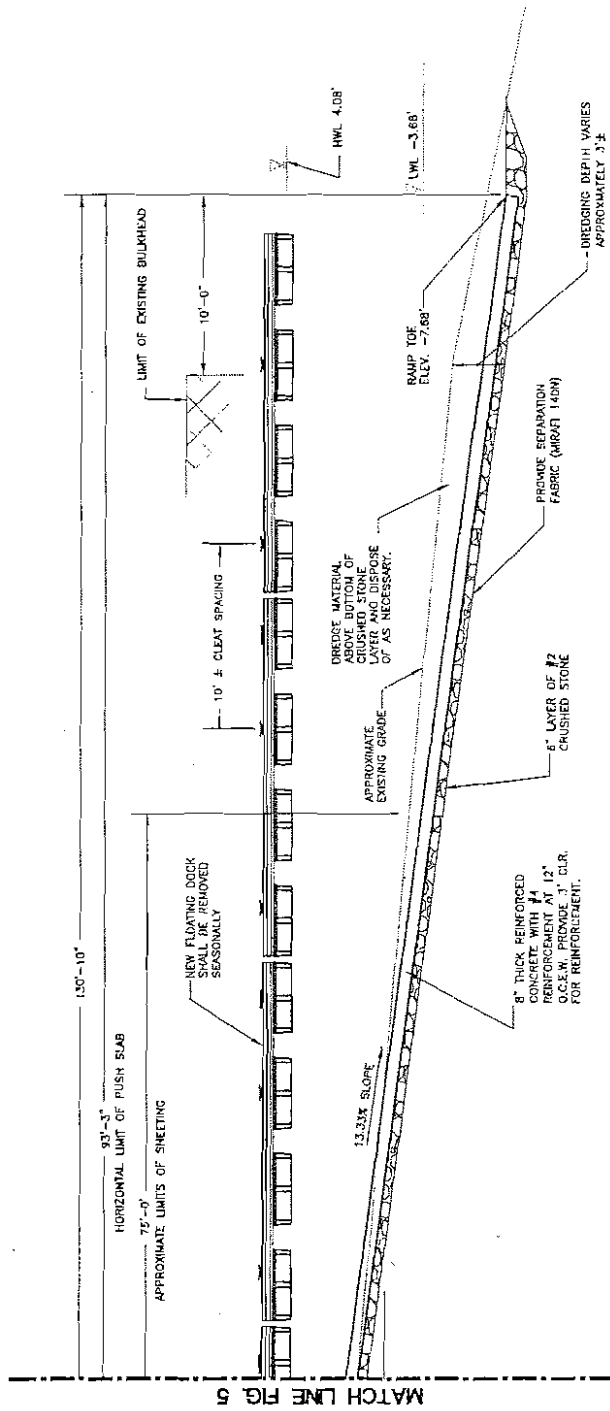
JAKOBSON SHIPYARD BOAT LAUNCH  
TOWN OF OYSTER BAY, NASSAU COUNTY

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SECTION D-D

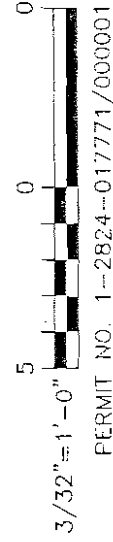


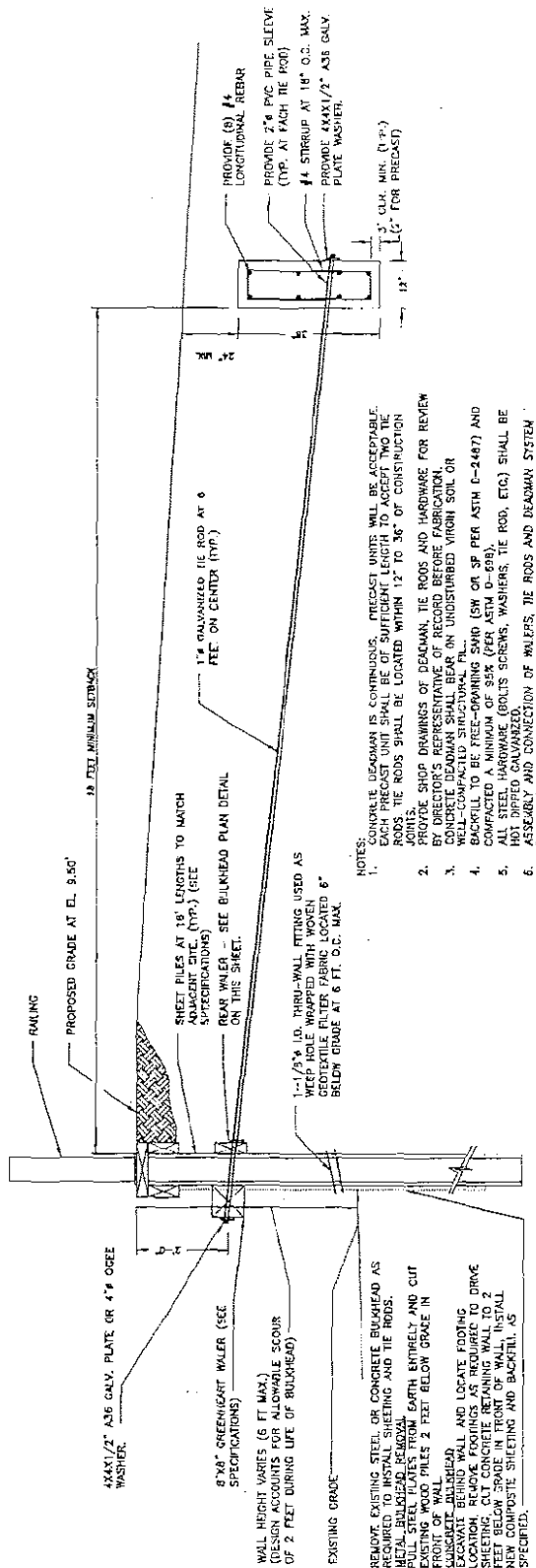
FIGURE NO.

6

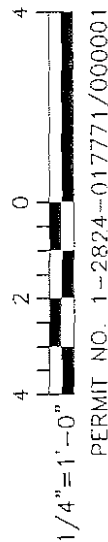
SECTION D-D  
JAKOBSON SHIPYARD BOAT LAUNCH  
TOWN OF OYSTER BAY, NASSAU COUNTY

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New York, NY 10001  
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## SECTION E-E



PERMIT NO. 1-2824-017771/000001

FIGURE NO.

7

SECTION E-E  
JAKOBSON SHIPYARD BOAT LAUNCH  
TOWN OF OYSTER BAY, NASSAU COUNTY

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